

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

JOSEPH HEWITT, )  
Plaintiff, )  
vs. )  
KENNETH KOPF, )  
Defendant. )  
Case No. 4:05CV1815SNL

## **ORDER**

This matter is before the Court on defendant Kopf's motion to consolidate (#4), filed October 31, 2005. As of today's date, plaintiff Joseph Hewitt has not filed a response.

Defendant Kopf seeks to consolidate the instant action with a companion lawsuit brought by Lillie Hewitt against defendant Kopf presently pending before the Honorable Rodney W. Sippel (Cause No. 4:05CV1816RWS). Lillie and Joseph Hewitt are husband and wife. Both lawsuits are in connection with an automobile accident occurring on July 14, 2002 involving the Hewitts<sup>1</sup> and another driver, defendant Kopf. The Hewitts have brought their lawsuits for injuries allegedly received as a result of the accident on July 14, 2002. The Hewitts both assert that the accident was the direct and proximate result of defendant Kopf's negligence.

It is obvious that both lawsuits involve the same parties, the same accident, and will involve common questions of fact and/or law. Thus, pursuant to Rule 42 Fed.R.Civ.P.<sup>2</sup>, the

<sup>1</sup>Plaintiff Joseph Hewitt was the driver and plaintiff Lillie Hewitt was a passenger in the car driven by Joseph Hewitt.

<sup>2</sup>Defendant mistakenly cites to Missouri Supreme Court Rule 66.01(b). In federal court, federal rules of civil procedure govern consolidation of cases.

Court will consolidate the instant action with Cause No. 4:05CV1816RWS. All future pleadings shall be filed in Cause No. 4:05CV1815SNL.

Accordingly,

**IT IS HEREBY ORDERED** that defendant's motion to consolidate (#4) be and is **GRANTED**. Cause Nos. 4:05CV1815SNL and 4:05CV1816RWS are consolidated and all future pleadings shall be filed in Cause No. 4:05CV1815SNL only.

Dated this 8th day of November, 2005.



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Stephen T. Limbaugh, Jr.

SENIOR UNITED STATES DISTRICT JUDGE